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09/518,790	03/03/2000	Robert Wesley Bossemeyer	8285/337	7349

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EXAMINER	
PHAN, JOSEPH T	

ART UNIT	PAPER NUMBER
2645	

DATE MAILED: 05/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/518,790	BOSSEMEYER ET AL.	
	Examiner	Art Unit	
	Joseph T Phan	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 March 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17,37,38 and 41* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17,37,38 and 41* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 18 recites "responsive to the step of sending the ringing signal;" It is unclear and not known how 'retrieving text information' is responsive to the step of 'sending the ringing signal' and more specifically where in the specification supports this newly added limitation. Page 33 lines 19-22 of applicant's specification supports the previous limitation in claim 1 of "responsive to the step of determining that the second party subscribes to a speech-based caller identification service". This supported limitation is also consistent with applicant's independent claims 9, 14, 37, 38, and 41. Appropriate clarification or correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-10, 14, 37-38, and 41 rejected under 35 U.S.C. 102(e) as being anticipated by Bull et al., Patent #6,498,841.

Regarding claim 1, Bull teaches a method for performing distributed text-to-speech synthesis by a telephone network coupled to a first telephone subscriber unit and a second telephone subscriber unit(Fig.2), the first telephone subscriber unit having a first telephone number and associated with a first party by the telephone network(220 Fig.2), and the second telephone subscriber unit having a second telephone number and associated with a second party by the telephone network (222 or 224 Fig.2), the method comprising the steps of:

receiving a telephone call from the first telephone subscriber unit to the telephone network over a first communication channel responsive to the first telephone subscriber unit originating the telephone call to the second telephone subscriber unit through the telephone network(Fig. 5, col.3 lines 38-61 and col.6 lines 11-16);

determining that the second party subscribes to a speech-based caller identification service provided by the telephone network responsive to the step of receiving the telephone call (302 Fig.3 and col.6 lines 12-33);

placing the first telephone subscriber unit on hold responsive to the step of determining *(col.6 lines 34-67; the calling party unit is on hold while the network is processing the call);*

sending a ringing signal to the first telephone subscriber unit over the first communication channel responsive to the step of placing *(col.6 lines 34-67 and col.9*

lines 15-20; while the calling party unit is on hold for processing, the caller hears ringing);

retrieving text information, representing caller identification information of the first party, from a database stored in a network memory device responsive to the step of sending the ringing signal (306-310 Fig.4, col.7 lines 13-19 and lines 55-60);

converting the text information into symbols, representing the caller identification information of the first party, responsive to the step of retrieving and encoding the symbols to form a data stream representing the caller identification information of the first party(306-308 Fig.3, col.3 lines 38-61, and col.10 lines 12-45);

opening a second communication channel between the telephone network and the second telephone subscriber unit responsive to the step of encoding (500 Fig.5); and sending the data stream from the telephone network to the second telephone subscriber unit over the second communication channel responsive to the step of opening (504 Fig.5 and col.9 line 43-col.10 line 33-45).

Regarding claim 2, Bull teaches a method according to claim 1 further comprising the steps of: receiving a request from the second telephone subscriber unit over the second communication channel that the telephone network route the telephone call to the second telephone subscriber unit responsive to the step of sending the data stream(506-512 Fig.5); and

routing the telephone call through the telephone network from the first telephone

subscriber over the first communication channel unit to the second telephone subscriber unit over the second communication channel responsive to the step of receiving the request (512-END Fig.5).

Regarding claim 3, Bull teaches a method according to claim 1 further comprising the steps of:

receiving a request from the second telephone subscriber unit over the second communication channel that the telephone network route the telephone call to the second telephone subscriber unit (506-512 Fig.5);

stopping the sending of the ringing signal to the first telephone subscriber unit over the first communication channel responsive to the step of receiving the request(END Fig.5);

taking the first telephone subscriber unit off hold responsive to the step of stopping and routing the telephone call through the telephone network from the first telephone subscriber unit over the first communication channel to the second telephone subscriber unit over the second communication channel responsive to the step of taking the first telephone subscriber unit off hold (512-END Fig.5).

Regarding claim 4, Bull teaches a method according to claim 1 further comprising the step of determining that the transmission of the data stream from the telephone network to the second telephone subscriber unit over the second communication channel is successful responsive the step of sending the data stream and responsive to a response from the second telephone subscriber unit over the second communication channel that the transmission of the data stream from the telephone network to the second telephone subscriber unit is successful, wherein the step of receiving the

request is responsive to the step of determining that the transmission of the data stream from the telephone network to the second telephone subscriber unit over the second communication channel is successful(504-512 Fig.5).

Regarding claim 5, Bull teaches a method according to claim 1 further comprising the step of sending a ringing signal to the second telephone subscriber unit over the second communication channel responsive the step of sending the data stream, wherein the step of receiving the request is responsive to the step of sending the ringing signal (506 Fig.5).

Regarding claim 6, Bull, as best understood due to the 112 confusion above, teaches a method according to claim 1 further comprising the step of: converting the text information from a first data format to second data format suitable for text-to-speech synthesis prior to the step of converting the text information into symbols(col.9 line 48-col.10 line 45).

Regarding claim 7, Bull, as best understood due to the 112 confusion above, teaches a method according to claim 1 wherein the symbols further comprise phonemic and prosodic information (col.10 lines 1-45).

Regarding claim 8, Bull, as best understood due to the 112 confusion above, teaches a method according to claim 1 wherein the symbols further comprise spectral and prosodic feature parameters (col.10 lines 1-45).

Regarding claim 9, Bull teaches a method for performing distributed text-to-speech synthesis by a telephone network coupled to a first telephone subscriber unit and a second telephone subscriber unit (Fig.2), the first telephone subscriber unit

having a first telephone number and associated with a first party by the telephone network(220 Fig.2), and the second telephone subscriber unit having a second telephone number and associated with a second party by the telephone network (222 or 224 Fig.2), the method comprising the steps of:

receiving a telephone call from the first telephone subscriber unit to the telephone network over a first communication channel responsive to the first telephone subscriber unit originating the telephone call to the second telephone subscriber unit through the telephone network(Fig. 5, col.3 lines 38-61 and col.6 lines 11-16);

determining that the second party subscribes to a speech-based caller identification service provided by the telephone network responsive to the step of receiving the telephone call (302 Fig.3 and col.6 lines 12-51);

placing the first telephone subscriber unit on hold responsive to the step of determining and sending a ringing signal to the first telephone subscriber unit over the first communication channel responsive to the step of placing *(Fig.3, 402 Fig.4, col.6 lines 34-67 and col.9 lines 15-20; the calling party unit is on hold while the network is processing the call while hearing ringing);*

retrieving text information, representing caller identification information of the first party, from a database stored in a network memory device responsive to the step of determining (306-310 Fig.4, col.7 lines 13-19 and lines 55-60);

converting the text information into symbols, representing the caller identification

information of the first party, responsive to the step of retrieving and encoding the symbols to form a data stream representing the caller identification information of the first party(306-308 Fig.3, col.3 lines 38-61, and col.10 lines 12-45);

opening a second communication channel between the telephone network and the second telephone subscriber unit responsive to the step of encoding (500 Fig.5); and sending the data stream from the telephone network to the second telephone subscriber unit over the second communication channel responsive to the step of opening (504 Fig.5 and col.9 line 43-col.10 line 33-45);

sending a ringing signal to the second telephone subscriber unit over the second communication channel responsive to the step of sending the data stream (506 Fig.5);

receiving a request from the second telephone subscriber unit over the second communication channel that the telephone network route the telephone call to the second telephone subscriber unit responsive to the step of sending the ringing signal to the second telephone subscriber unit over the second communication channel (506-512 Fig.5 and col.9 lines 6-35); stopping the sending of the ringing signal to the first telephone subscriber unit over the second communication channel responsive to the step of receiving the request (END Fig.5 and col.9 lines 6-42); taking the first telephone subscriber unit off hold responsive to the step of stopping and routing the telephone call through the telephone network from the first telephone subscriber unit over the first communication channel to the second telephone subscriber unit over the second communication channel responsive to the step of taking the first telephone subscriber unit off hold (512-END Fig.5 and col.9 line 43-col.10 line 33-45).

Regarding claim 10, Bull teaches a method according to claim 9 further comprising the steps of:

determining that the transmission of the data stream from the telephone network to the second telephone subscriber unit over the second communication channel is successful responsive the step of sending the data stream and responsive to a response from the second telephone subscriber unit that the transmission of the data stream from the telephone network to the second telephone subscriber unit over the second communication channel is successful(504-512 Fig.5 and col.6 lines 34-67),

wherein the step of sending the ringing signal is responsive to the step of determining that the transmission of the data stream from the telephone network to the second telephone subscriber unit over the second communication channel is successful (504-512 Fig.5).

Regarding claim 14, Bull teaches a method for performing distributed text-to-speech synthesis by a telephone network coupled to a first telephone subscriber unit and a second telephone subscriber unit (Fig.2), the first telephone subscriber unit having a first telephone number and associated with a first party by the telephone network(220 Fig.2), and the second telephone subscriber unit having a second telephone number and associated with a second party by the telephone network (222 or 224 Fig.2), the method comprising the steps of:

receiving a telephone call from the first telephone subscriber unit to the telephone network over a first communication channel responsive to the first telephone

subscriber unit originating the telephone call to the second telephone subscriber unit through the telephone network(Fig. 5, col.3 lines 38-61 and col.6 lines 11-16);

determining that the second party subscribes to a speech-based caller identification service provided by the telephone network responsive to the step of receiving the telephone call (302 Fig.3 and col.6 lines 12-51);

placing the first telephone subscriber unit on hold responsive to the step of determining and sending a ringing signal to the first telephone subscriber unit over the first communication channel responsive to the step of placing (Fig.3, 402 Fig.4 *col.6 lines 34-67 and col.9 lines 15-20; the calling party unit is on hold while the network is processing the call while hearing ringing);*

retrieving text information, representing caller identification information of the first party, from a database stored in a network memory device responsive to the step of determining (Fig.3, 306-310 Fig.4, col.7 lines 13-19 and lines 55-60);

converting the text information into symbols, representing the caller identification information of the first party, responsive to the step of retrieving and encoding the symbols to form a data stream representing the caller identification information of the first party(306-308 Fig.3, col.3 lines 38-61, and col.10 lines 12-45);

opening a second communication channel between the telephone network and the second telephone subscriber unit responsive to the step of encoding (500 Fig.5);

and sending the data stream from the telephone network to the second telephone subscriber unit over the second communication channel responsive to the step of opening (504 Fig.5 and col.9 line 43-col.10 line 33-45);

determining that the transmission of the data stream from the telephone network to the second telephone subscriber unit over the second communication channel is successful responsive the step of sending the data stream and responsive to a response from the second telephone subscriber unit over the second communication channel that the transmission of the data stream from the telephone network to the second telephone subscriber unit over the second communication channel is successful (504-512 Fig.5 and col.6 lines 29-67);

sending a ringing signal to the second telephone subscriber unit over the second communication channel responsive to the step of determining that the transmission of the data stream over the second communication channel is successful (506 Fig.5 and col.9 lines 57-67);

receiving a request from the second telephone subscriber unit over the second communication channel that the telephone network route the telephone call to the second telephone subscriber unit over the second communication channel responsive to the step of sending the ringing signal to the second telephone subscriber unit (512 Fig.5 and col.11 lines 11-36);

stopping the sending of the ringing signal to the first telephone subscriber unit over the first communication channel responsive to the step of receiving the request (512-END Fig.5 and col.11 lines 11-36);

taking the first telephone subscriber unit off hold responsive to the step of stopping and routing the telephone call through the telephone network from the first telephone

subscriber unit over the first communication channel to the second telephone subscriber unit over the second communication channel responsive to the step of taking the first telephone subscriber unit off hold (512-END Fig.5 and col.11 lines 11-36).

Regarding claim 37, Bull teaches a telephone network coupled to a first telephone subscriber unit and a second telephone subscriber unit, the first telephone subscriber unit having a first telephone number and associated with a first party by the telephone network, and the second telephone subscriber unit having a second telephone number and associated with a second party by the telephone network (col.3 line 62-col.4 line 11),

the telephone network comprising:

a central telephone office for performing a step of receiving a telephone call from the first telephone subscriber unit to the telephone network over a first communication channel responsive to the first telephone subscriber unit originating the telephone call to the second telephone subscriber unit through the telephone network (218 Fig.2 and col.6 lines 11-16);

a service control point, coupled to the central telephone office, for performing a step of determining that the second party subscribes to a speech-based caller identification service, provided by the telephone network responsive to the step of receiving the telephone call (206 Fig.2 and col.6 lines 29-67);

a network services node, coupled to the central telephone office and the service control point, for performing steps of retrieving text information, representing caller

identification information of the first party, from a database stored in a network memory device responsive to the step of determining (212, 216 Fig.2, and col.7 lines 13-19);

converting the text information into symbols, representing the caller identification information of the first party, responsive to the step of retrieving; and encoding the symbols to form a data stream representing the caller identification information of the first party(306-308 Fig.3, col.3 lines 38-61, and col.10 lines 12-45);

wherein the central telephone office further performs steps of opening a second communication channel between the telephone network and the second telephone subscriber unit responsive to the step of encoding; and sending the data stream from the telephone network to the second telephone subscriber unit over the second communication channel responsive to the step of opening (col.4 line 59-col.5 line 15 and col.9 line 57-col.10 line 59).

Regarding claim 38, Bull teaches a telephone network coupled to a first telephone subscriber unit and a second telephone subscriber unit, the first telephone subscriber unit having a first telephone number and associated with a first party by the telephone network, and the second telephone subscriber unit having a second telephone number and associated with a second party by the telephone network (Fig.2), the telephone network comprising:

means for performing a step of receiving a telephone call from the first telephone subscriber unit to the telephone network over a first communication channel responsive to the first telephone subscriber unit originating the telephone call to the second telephone subscriber unit through the telephone network (218 Fig.2, Fig. 5, col.3 lines

38-61 and col.6 lines 11-16);

means for performing a step of determining that the second party subscribes to a speech based caller identification service provided by the telephone network responsive to the step of receiving the telephone call (Fig.2 and col.6 lines 29-67);

means for performing a step of retrieving text information, representing caller identification information of the first party, from a database stored in a network memory device responsive to the step of determining (206-210 Fig.2, Fig.3, 306-310 Fig.4, col.7 lines 13-19 and lines 55-60);

means for performing a step of converting the text information into symbols, representing the caller information of the first party and for performing a step of encoding the symbols to form a data stream (306-308 Fig.3, col.3 lines 38-61, and col.10 lines 12-45);

means for performing a step of opening a second communication channel between the telephone network and second subscriber unit and for performing a step of sending the data stream from the telephone network to the second telephone subscriber unit over the second communication channel (218 Fig.2, 504 Fig.5, and col.9 line 43-col.10 line 59)

Regarding claim 41, Bull teaches a telephone network coupled to a first telephone subscriber unit and a second telephone subscriber unit, the first telephone subscriber unit having a first telephone number and associated with a first party by the telephone network, and the second telephone subscriber unit having a second telephone number and associated with a second party by the telephone network(col.3

line 62-col.4 line 11), the telephone network including a central telephone office for performing a step of receiving a telephone call from the first telephone subscriber unit to the telephone network over a first communication channel responsive to the first telephone subscriber unit originating the telephone call to the second telephone subscriber unit through the telephone network(218 Fig.2), the telephone network including a service control point for performing a step of determining that the second party subscribes to a speech-based caller identification service provided by the telephone network responsive to the step of receiving the telephone call(206 Fig.2 and col.6 lines 29-67), an article in the telephone network comprising:

a computer-readable data storage medium and means recorded on the computer-readable data storage medium for performing a step of retrieving text information, representing caller identification information of the first party, from a database stored in a network memory device responsive to the step of determining (206-216 Fig.2, col.4 line 59-col.5 line 15 and col.9 line 57-col.10 line 59).

means recorded on the computer-readable data storage medium for performing a step of converting the text information into symbols, representing the caller identification information of the first party, responsive to the step of retrieving(306-308 Fig.3, col.3 lines 38-61, and col.10 lines 12-45); and

means recorded on the computer-readable data storage medium for performing a step of encoding the symbols to form a data stream representing the caller identification information of the first party (216 Fig.2 and col.8 lines 58-col.9 ilne 67);

wherein the central telephone office further performing steps of:

opening a second communication channel between the telephone network and the second telephone subscriber unit responsive to the step of encoding; and sending the data stream from the telephone network to the second telephone subscriber unit over the second communication channel responsive to the step of opening(504 Fig.5 and col.9 line 43- col.10 line 67).

Allowable Subject Matter

3. Claims 11-13 and 15-17 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

4. Applicant's arguments with respect to claims 1, 37, 38, and 41 have been considered but are moot in view of the new ground(s) of rejection by the newly cited line references.

Regarding claims 9 and 14, Applicant's arguments filed 03/01/04 have been fully considered but they are not persuasive. Applicant argues that the newly added limitations is not taught by the prior art of record, Bull, Patent #6,498,841, specifically "placing the first telephone subscriber unit on hold responsive to the step of determining". Examiner respectfully disagrees as Bull teaches that the caller is placed on hold by the telephone network and a ringing signal is heard by the caller throughout the call connection and processing procedure until the call is terminated(by connection

or disconnection to a called party's terminal). Applicant's specification(page 32 line 7-page 33 line 18) supports examiner's claim interpretation that the caller is placed on hold during the full call processing procedure. It is not known where in applicant's specification states that the caller is then only placed on hold after determining if the called party subscribes to a speech-based caller ID service. Furthermore, the caller is placed on ringing hold even if there was no determination or that the second party does not subscribe to the service. Therefore the claimed limitation can still be read on Bull.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T Phan whose telephone number is 703-305-

3206. The examiner can normally be reached on M-TH 9:00-6:30, in every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTP
May 11, 2004

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